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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/090,035	06/10/1998	MARTIN HAUPT	PHD97-074	3465

7590 12/19/2002  
U S PHILIPS CORPORATION  
580 WHITE PLAINS ROAD  
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EXAMINER

KUPSTAS, TOD A

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/19/2002

26

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/090,035

Applicant(s)

HAUPT ET AL.

Examiner

Tod Kupstas

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 13-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 19 should be renumbered 21. There was a previously presented claim 19 that was canceled in the amendment received in May, 2000. New claim 19 was presented in the amendment received January 2002. This claim should be renumbered 21.

2. The final rejection, paper number 21, is withdrawn and a new rejection is presented in response to the Appeal brief filed 9/13/2002.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-12, and <sup>19-20</sup>20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamichi (US 5,864,532) in view of Umesaki (GB 0391424).

As set forth in claims 1 and 20, Nakamichi discloses a changer apparatus for information discs, comprising a stacking unit (1011) for stacking at least two information discs (see col. 17, lines 25-26) in respective stacking positions (P3), a read/write unit for reading information stored on the information discs and/or writing information on the information discs in a play position, an eject position (P4) at which an information disc can be removed from the apparatus and (see fig. 1, element 1A is the eject position), transport means for transport of the information discs from the eject position into a loading position, the loading position being a position for loading discs from the loading path of the transport means into the stacking positions of the stacking unit and in which the play position is along the loading path between the eject position and the loading position; see col. 17, lines 25-67, and col. 10, lines 40-57 (these sections disclose the relative position of the disk when transporting the disk). As set forth in claims 1, 3, 20 Nakamichi discloses transporting the disk from the entrance (eject position) to the playback/recording position, to the stocking position. Nakamichi does not disclose transporting the disc along a curve-shaped loading path. Umesaki discloses having a curved shape path for transporting the disk, see figs. 3, 6, and 7. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the disk player of Nakamichi a curved shape path

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for transporting the disk. The rationale is as follows: It would have been desirable to reduce the length of the disk player by providing the means for having a curved shape loading path. One of ordinary skill would have been motivated by the teaching of Umesaki to have modified the transporting system of Nakamichi with the means for providing the a curved transportation path as taught by Umesaki, thereby having provided means for transporting the disk that would reduce the overall length of a disk drive.

As set forth in claim 4, Nakamichi discloses an apparatus characterized wherein the play position is disposed on the loading path (P2).

As set forth in claim 5, Nakamichi discloses transport means further including a first transport mechanism for transporting the information discs between the eject position, the play position and the loading position, and a second transport mechanism for transport of the information discs into the stacking positions of the stacking unit, the first transport mechanism being adapted to move the information discs from the loading position in the loading plane and the second transport mechanism being adapted to move the information discs in a stacking direction oriented vertically with respect to the loading plane; see col. 17, lines 25-67 (discloses the stocking elements of the disk player).

As set forth in claim 6, Nakamichi discloses an apparatus wherein the first transport mechanism includes at least a first and a second guide (1002 and 1003) for the disc edge of the information disc, the first guide includes a groove for supporting the disc moving along the loading path and the first guide is movable in the loading plane (1003, discloses a groove 11), the

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second guide includes at least one rotationally drivable transport wheel for driving the disc to move along the loading path (fig. 3, has transport wheels 7 and 15).

As set forth in claim 9, Nakamichi discloses an apparatus wherein the read/write unit (1006) is movably supported on a chassis plate of the apparatus; see col. 11, line 55-col. 13, line 13.

As set forth in claim 10, Nakamichi discloses wherein the read/write unit (1006) includes a base plate and a laser mounting plate, the base plate (40) and the laser mounting plate are coupled by means of dampers, the base plate (40) is slidably mounted on the chassis plate, and the laser mounting plate carries an optical unit (1006) for reading information stored on the information disc and a clamping device for clamping the information disk in the play position so the read unit isolated from vibrations of the chassis; see col. 11, line 55-col. 13, line 13.

As set forth in claim 11, Nakamichi discloses an apparatus characterized wherein the read/write unit (1006) is movable into the play position in the vertical direction see col. 11, line 55-col. 13, line 13; see col. 13, lines 14-60.

Nakamichi does not disclose the guide mechanism having pivotal arms for usage with the curve shaped path. However Nakamichi discloses a passive and moving guiding mechanism (see figs. 3 and 4. As set forth in claims 7, 8 and 12, it would have been obvious to have utilized arm guides for the transport of the disk. Umesaki discloses the usage of pivotal guide arms in the loading of the disk. It would have been obvious to one of ordinary skill in the art to have provided pivotal guide arms for the loading of disks, as taught by Umesaki, to the disk player as taught by

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Nakamichi. The rationale is as follows: It would have been desirable to have provided means for guiding the disk. As Umesaki teaches the desirability of using pivotal arms, one of ordinary skill would have been motivated by Umesaki's teaching to have provided arms to the disk player, as taught by Nakamichi, thereby having provided art equivalent means for guiding the disk into the reproduction and loading positions along a curved path.

Official notice is taken regarding claim 19, with regards to having an overall depth of the apparatus is less than or equal to approximately 1.5 times the information disk diameter. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have constructed the disk player, as taught by Shindo, in a size readily marketable. The rationale is as follows: It would have been desirable to have constructed a disk player that was relatively small for easy storage, etc. As constructing disk players to be small is well known in the art. One of ordinary skill in the art would have been motivated to have constructed the disk player as taught by Shindo, to have an overall depth of the apparatus less than or equal to approximately 1.5 times the information disk diameter thereby having provided a small sized disk player.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-20 have been considered but are moot in view of the new ground(s) of rejection.

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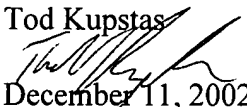
*Allowable Subject Matter*

5. Claims 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 308-7201. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas  
  
December 11, 2002